CONFERENCE OF THE COMMITTEE ON DISARMAMENT

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MEXICO

Working paper on the scope of a prohibition of military or any other hostile use of environmental modification techniques

The delegation of Mexico to the Conference of the Committee on Disarmament considers that the wording of article I of the "draft convention on the prohibition of military or any other hostile use of environmental modification techniques", which originated in the identical texts submitted in August 1975 by the delegations of the United States and the Soviet Union, is totally unacceptable. It is convinced that, if the General Assembly of the United Nations is to be able to recommend this text to the Member States, it is essential to delete the qualifying phrase "having widespread, long-lasting or severe effects". That would at least avert the danger that the provisions of paragraph 1, albeit much inferior to those of the original Soviet text of 1974, might legitimize many acts of environmental warfare.

Reproduced below are the relevant paragraphs of the statement which the Secretary for Foreign Affairs and Chairman of the delegation of Mexico made to the CCD on 26 August 1976 setting out the main reasons for the Mexican position:

> "... I would emphasize that, although we consider that the new text of article V prepared by the Working Group -- particularly the addition which provides for the convening of an advisory committee of experts for the purposes indicated therein -- represents an appreciable step forward, that can in no way allow us to forget the very serious dangers involved in the provisions of article I of the identical drafts submitted by the Soviet Union and the United States of America in August 1975.
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> "In order to assess those dangers correctly, it should be remembered that the text of article I of the Soviet Union's original draft, reproduced in the annex to resolution 3264 (XXIX) of 9 December 1974, read as follows:
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> > 'Each of the Parties to this Convention undertakes not to develop meteorological, geophysical or any other scientific or technological means of influencing the environment, including the weather and climate, for military and other purposes incompatible with the maintenance of international security, human well-being and health,

and, furthermore, never under any circumstances to resort to such means of influencing the environment and climate or to carry out preparations for their use.'

"Compared with this text, which is fully comprehensive in its prohibitions and categorical and unequivocal in its ideas, the text of article I which the super-Powers are now proposing to us is, by any reckoning, inadequate and ambiguous; so much is evident from the first paragraph, which reads as follows:

'Each State Party to this Convention undertakes not to engage in military or any other hostile use of environmental modification techniques having widespread, long-lasting or severe effects as the means of destruction, damage or injury to another State Party.'

"In order to make clear what we have called the 'very serious dangers' of the foregoing provisions, we need only re-word them in a positive form which is equivalent from the legal point of view; the text would then read:

'Each State Party to this Convention shall be entitled to use environmental modification techniques for military or other hostile purposes as the means of destruction, damage or injury to another State Party, provided that such techniques do not have widespread, long-lasting or severe effects.'

"The risks that would entail, not only from the legal but also from the practical point of view, can be appreciated even more if we take into account the explanations of the scope of the expression 'environmental modification techniques' which are given in article II, to the effect that this expression would cover inter alia the deliberate manipulation of natural processes to cause earthquakes, tsunamis, cyclones of various types and tornadic storms, or changes in the state of the ozone layer or ionosphere or in ocean currents.

"It really seems to us extremely alarming that there can be any thought of legitimizing in an international convention such monstrous actions as these, provided that they do not have 'widespread, long-lasting or severe effects', especially if it is borne in mind that in the assessment of such effects there will always, inevitably, be a large subjective element.

"Furthermore it must be borne in mind that the effects of environmental warfare techniques which would be permitted because they would not be considered sufficiently 'widespread' to matter would include, as the co-sponsoring super-Powers have already explained to us, those which might

affect an area of less than 'several hundred square kilometres', and that effects which would also be tolerated, as not falling within the 'long-lasting' category under the Convention, would include those having a duration short of 'several months or about a season'.

"The foregoing looks even graver when we consider that we are legislating on a subject -- environmental modification for military purposes -- which is competely new. Because of that, any multilateral instrument adopted in the matter will constitute a precedent of incalculable consequences for the development of international law in a field of such momentous importance to the future of mankind.

"For all the reasons I have just given, my delegation deems it essential, if we are to be able to consider the possibility of recommending to the General Assembly the draft convention I have been speaking of, that the restrictive clause 'having widespread, long-lasting or severe effects' should be deleted. This would make the provisions of article I, paragraph 1 -- although far inferior to those of the original Soviet text which I read out a few moments ago -- acceptable to us, since they would read as follows:

'Each State Party to this Convention undertakes not to engage in military or any other hostile use of environmental modification techniques as the means of destruction, damage or injury to another State Party.'

"Incidentally I would add that, although we do not regard this as indispensable, we would have preferred the last line of the paragraph to speak of 'another State', as in paragraph 2, instead of 'another State Party'."

In the light of the foregoing, the delegation of Mexico wishes fully to reserve its freedom of position and action in the General Assembly of the United Nations regarding the draft concerned.